# Mount Auburn.

1882.

# ANNUAL REPORT

OF THE

# TRUSTEES

OF THE

# Cemetery of Mount Auburn,

TOGETHER WITH

# THE REPORTS

OF THE

## TREASURER AND SUPERINTENDENT.

JANUARY, 1882.

BOSTON:
ALFRED MUDGE & SON, PRINTERS,
No. 34 School Street.
1882.

# OFFICERS OF THE CORPORATION FOR 1882.

**Trustees.**

| | | |
|---|---|---|
| SAMUEL R. PAYSON | *Term expires in* | 1882. |
| T. QUINCY BROWNE | " " | 1882. |
| HENRY A. RICE | " " | 1883. |
| ALANSON BIGELOW | " " | 1883. |
| J. MONTGOMERY SEARS | " " | 1884. |
| CHARLES F. CHOATE | " " | 1884. |
| CHARLES U. COTTING | " " | 1885. |
| DAVID R. WHITNEY | " " | 1885. |
| ISRAEL M. SPELMAN | " " | 1886. |
| JEROME JONES | " " | 1886. |
| WILLIAM S. EATON | " " | 1887. |
| ROGER WOLCOTT | " " | 1887 |

**President.**

ISRAEL M. SPELMAN.

**Treasurer.**

H. B. MACKINTOSH.

**Secretary.**

J. HARRIS REED.

**Superintendent.**

JAMES W. LOVERING.

**Foreman.**

C. McARTHUR.

**Supt. of Interments.**

EDWARD PATCHET.

**Surveyor.**

S. L. BROWN.

**Gardener.**

JOSEPH COLLINS.

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**Office of the Corporation.**

16 PEMBERTON SQUARE,
BOSTON.

**Office of the Superintendent,**

AT THE CEMETERY.
P. O. ADDRESS: CAMBRIDGE, MASS.

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*Orders for work on lots may be given at either office, or sent by mail to Superintendent at the Cemetery.*

# REPORT.

THE TRUSTEES PRESENT THEIR FIFTIETH ANNUAL REPORT TO THE PROPRIETORS: —

The cemetery of Mt. Auburn was consecrated on the 24th of September, 1831. The idea of a rural cemetery is now so familiar that it is hard to realize how novel such an enterprise appeared when first proposed. It had been the universal custom to make interments under churches and in adjacent church-yards. It was now proposed to establish the cemetery at a distance from city homes, in the quiet and seclusion of the country. A short period only was required to change the feelings of the community in this respect, and after its first year Mt. Auburn was considered an assured success. The lapse of fifty years has only confirmed the hopes of its projectors; and the successful results of those years may be fully read in the appended reports of the superintendent and treasurer. Mt. Auburn has been successful from the first; and we have every reason to believe in its continued prosperity, and that all the objects contemplated in its inception will be fully carried out.

The operations of the past year confirm us in this view. The receipts from sales of lots and other sources have defrayed all expenses, and enabled us to carry on necessary improvements. On the Stone farm, or new part of the cemetery, about three and one half acres of land, between Pearl and Eagle Avenues, have been graded, and are now ready for use. This area includes Crystal Avenue, and the following paths, — Curfew, Orion, Sibyl, Aspen, Coral, Mist, Opal, and Lotus. The work upon the remaining part of the Stone farm is now so far advanced that the next two years

will probably witness its completion. In other parts of the cemetery the improvement of avenues and paths, the paving of gutters and measures for securing more perfect drainage, have been continued, as heretofore.

A new shed on Coolidge Avenue for the storage of carts, water sprinklers and garden tools has been constructed. It extends ninety-three feet on the avenue, and then turning nearly at a right angle, ninety-three feet farther on the line of the Cambridge cemetery. It is fifteen feet in width. It was much needed to cover and protect the movable property, for which there was no room in the barn and other buildings, and which was suffering from exposure to the weather.

During the past summer and late into the fall the southerly or Brighton gate was kept open. This gate has proved a great convenience to carriages and persons coming from that direction. It provides a nearly direct passage through the cemetery without the necessity of returning to the place of entrance. It is proposed in future to keep this gate open except during the winter months.

The state of the Permanent and Repair Funds is satisfactory, and their constant growth insures the results for which they are being created.

The permanent fund has increased $5,483.60 during the past year, and now amounts to $225,777.39. The repair fund has gained $31,926.07 during the year, and amounts to $302,572.35.

The general fund shows a balance of $12,107.79, which is a surplus above all expenditures. We have not been able to show such a surplus since Jan. 1, 1874. At that time a series of improvements was commenced, which necessitated loans running as high at one time as $30,000. These improvements were mainly connected with the grading, laying out, and fencing of the Stone farm part of the cemetery; the construction of house, barn, and sheds on the Stone meadow lot, on the opposite side of Coolidge Avenue, to supply the place of those removed from the Stone farm; the completion of the new receiving tomb, and the grading of the banks of Indian Ridge Path and Fountain Avenue. Funds were also laid out in preparing

an ample supply of lots of various sizes and prices ready for sale, a deviation from the former practice of selling only the land, and leaving the work to be performed afterwards. The advances made for these purposes have now been repaid; and it is not only gratifying to have accomplished these results without embarrassment, but also an assurance of success in the future which is very encouraging.

The figures of the Superintendent's report vary little from those of last year, and indicate a general improvement in the appearance of lots. The granite curbing, not permissible under the landscape lawn system, is gradually going out of use in the older part of the cemetery. But one lot was so curbed during the past year. Sixty-two iron fences have been removed, two more than in 1880. The number of lots under Perpetual Care is constantly increasing, as proprietors more and more see the importance of thus providing against the chances of future neglect. Indeed, it cannot be too strongly impressed upon the minds of proprietors that their *rights in the lots* they occupy, granted and conveyed for purposes of burial, are by our acts of incorporation "*held as real estate*," though not subject to attachment or execution; and, as real estate, must follow in all other respects the laws in relation to real property. This should be especially borne in mind in the execution of wills. Instances have occurred where institutions have been made residuary legatees, and where, through neglect to provide for the cemetery lot, that lot has by will really passed out of the family. A devisee never has, and would not be likely to avail himself of such an unintentional grant of a generous donor; yet such an oversight ought to be guarded against. Cases, too, have occurred where lots, descending to remote heirs, who felt no interest in the original proprietor and his family, have been disposed of for profit. For such possible abuse, in the absence of legislative action, the most certain remedy is for the proprietor, either in his lifetime or by provision of will after his decease, first, to put his lot under perpetual care, and then deed it back to the corporation in trust with more or less limitation as to the number of future interments, as he shall see fit.

The experience of the past fifty years has taught no lesson more constantly than this, that to guard against neglect some provision should be made at the time of sale for perpetual care. So strongly have the trustees been convinced of this that no lots since May, 1876, have been sold without such provision for the perpetual care of grass. The transfer of old lots under annual care to perpetual care is constantly going on; and in time probably all the lots will by some form of contract come under the protecting care of the corporation.

For the trustees,

ISRAEL M. SPELMAN,

*President.*

JANUARY 11, 1882.

# SUPERINTENDENT'S REPORT.

*To the Trustees of the Cemetery of Mount Auburn:*

GENTLEMEN, — I have the honor to present herewith the Annual Report of the Superintendent for the year ending Dec. 31, 1881.

## IMPROVEMENTS.

| | |
|---|---|
| Number of new lots graded and bounded with granite posts | 48 |
| " old lots improved by being graded and sodded | 47 |
| " old lots bounded with granite posts | 7 |
| " lots enclosed with granite | 1 |
| " lots furnished with granite or iron numbers | 110 |
| " tombs removed | 0 |
| " headstones erected | 225 |
| " monuments erected | 27 |
| " linear feet of gutters repaved | 1,780 |
| " iron fences removed | 62 |
| " hedges removed | 0 |

## INTERMENT RECORD.

| | | |
|---|---|---|
| Total number of interments, as per last Report | | 22,623 |
| Number of original interments for the year ending Dec. 31, 1881 | 515 | |
| " removals from other cemeteries | 53 | |
| Total number of interments for the year | | 568 |
| Total number of interments in cemetery | | 23,191 |
| Of the above there were deposited in the receiving-tomb | 27 | |
| " " " " interments in public lots | 32 | |

THE REMOVALS WITHIN AND FROM THE CEMETERY WERE AS FOLLOWS: —

| | | |
|---|---|---|
| To public lots | 10 | |
| To private lots | 46 | |
| Total removals within the cemetery | | 56 |
| " " from the cemetery | | 29 |
| Total number of removals | | 85 |

Respectfully submitted,

J. W. LOVERING,

*Superintendent of the Cemetery of Mount Auburn.*

MOUNT AUBURN, Dec. 31, 1881.

# TREASURER'S REPORT.

## RECEIPTS.

| | | | |
|---|---|---|---|
| Cash balance from preceding year | | | $3,569.24 |
| He has received from sundry parties, — | | | |
| For sale of lots | $14,760.63 | | |
| " deposits in receiving-tomb | 546.00 | | |
| | | $15,306.63 | |
| For deeds, transfers, etc. | | 202.00 | |
| " labor and material on lots | | 43,670.49 | |
| From Note Payable (temporary loan) | | 5,000.00 | |
| From Massachusetts Hospital Life Insurance Company, for income on permanent fund | | 8,000.00 | |
| From Massachusetts Horticultural Society, for one quarter part of expenditures, as follows: — | | | |
| Grading Pearl to Eagle Avenue $5,108.62 | | | |
| One quarter of $5,108.62 | | 1,277.15 | |
| | | | 73,456.27 |
| | | | $77,025.51 |

## FOR THE 50TH YEAR, 1881.

### EXPENDITURES.

| | | | |
|---|---|---|---|
| He has paid sundry parties, — | | | |
| For labor, pay-roll | $32,685.52 | | |
| " materials | 9,574.34 | | |
| " repairs of buildings and fences | 993.05 | | |
| | | $43,252.91 | |
| For expenses, — salaries | | 6,850.00 | |
| " office expenses | | 1,626.31 | |
| " taxes on real estate | | 611.33 | |
| To amount paid Massachusetts Horticultural Society for its proportion of sales | | 3,464.41 | |
| To amount paid Massachusetts Hospital Life Insurance Company for permanent fund | | 4,778.12 | |
| To amount paid interest on loans (net) | | 90.84 | |
| " " " notes payable | | 10,000.00 | |
| " " " graves repurchased | $40.00 | | |
| " " " new receiving-tomb drawback | 9.00 | | |
| | | 49.00 | |
| | | | $70,722.92 |
| Balance in hands of the Treasurer | | | 6,302.59 |
| | | | $77,025.51 |

## RECEIPTS AND EXPENDITURES OF THE REPAIR FUND.

| | | |
|---|---|---|
| Balance in hands of Treasurer, as per last report | | $11,886.28 |
| He has received, — | | |
| From notes receivable | $8,250.00 | |
| " endowments | 29,476.50 | |
| " income of investments | 15,803.99 | |
| | | 53,530.49 |
| | | $65,416.77 |
| He has paid for said account, — | | |
| For care and improvement of lots | $13,354 42 | |
| " notes receivable | 39,500 00 | |
| | | $52,854.42 |
| Balance in hands of Treasurer | | 12,562.35 |
| | | $65,416.77 |

## REPAIR FUND.

### PROPERTY.

| | | |
|---|---|---|
| Endowments for perpetual repair of lots, as per last report | $270,646 28 | |
| Additions during the year | 31,926.07 | |
| | | $302,572.35 |
| Invested as follows, — | | |
| Notes receivable, secured by mortgage | $272,200.00 | |
| $10,000 Boston City bonds | 9,710.00 | |
| 30 shares Atlas National Bank, cost | 2,970.00 | |
| 20 shares Atlantic National Bank, cost | 2,700.00 | |
| 20 shares Shawmut Bank, cost | 2,430.00 | |
| | | $290,010.00 |
| Cash in hands of Treasurer | | 12,562.35 |
| | | $302,572.35 |

## GENERAL FUND.

### CASH ASSETS.

| | | |
|---|---|---|
| Cash in hands of Treasurer | | $6,302.59 |
| Bills for labor and material uncollected | $8,178.77 | |
| Less due sundry parties for labor and material | 2,373.57 | |
| | | 5,805.20 |
| | | $12,107.79 |

## PERMANENT FUND.

| | | |
|---|---|---|
| Deposited with Massachusetts Hospital Life Insurance Company, as per last report | | $220,293.79 |
| Deposited in December, 1881 | $4,778.12 | |
| Interest | 705.48 | |
| | | 5,483.60 |
| | | $225,777.39 |

Also a deposit in trust with Massachusetts Hospital Life Insurance Company Policy No. 3,594, for $6,300, payable on the decease of certain parties to the Proprietors of the Cemetery of Mount Auburn, for perpetual care of a certain lot.

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## THE OTHER PROPERTY OF THE CORPORATION

Consists of nearly 136 acres of cemetery grounds, with avenues and paths, waterworks for the supply of fountains and watering purposes, and underground pipes and drains, chapel and statuary, observatory, receiving-tomb, gateway, and other structures; reception-house and 5,626 feet of land on Mount Auburn Street, Superintendent's house, green-houses, and 64,176 feet between Brattle and Mount Auburn Streets, and the Stone meadow on the east side of Coolidge Avenue, containing about five acres, on which are located the stables and other buildings.

Respectfully submitted,

H. B. MACKINTOSH, *Treasurer.*

BOSTON, Jan. 2, 1882.

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This certifies that we have examined the books and accounts of the Treasurer of the Proprietors of the Cemetery of Mount Auburn for the year eighteen hundred and eighty-one, and have found them correctly kept and properly balanced, with satisfactory vouchers for all payments.

The certificates of stock and other evidences of property were found in accordance with the statements of his accounts.

In the general account there appears to be a balance in the hands of the Treasurer of $6,302.59, and in the fund for repairs, $12,562.35.

T. QUINCY BROWNE,
HENRY A. RICE, } *Committee on Finance.*

BOSTON, Jan. 17, 1882.

# APPENDIX.

## TO PROPRIETORS.

### INFORMATION.

THE following statement is presented in answer to the question frequently asked in regard to the title to a lot when the proprietor dies.

By the original act of incorporation, lots are held as real estate. The proprietor can convey, or by will devise, his lot; but if he dies intestate, it descends to his heirs-at-law, who are (Chap. 220, Acts of 1876): —

Title to lot held as real estate.

If proprietor dies intestate.

Heirs-at-law.

1. Children, and issue of any deceased child.
2. If no issue, then his or her father and mother.
3. If no issue nor mother, then his or her father.
4. If no issue nor father, then his or her mother.
5. If no issue, and no father nor mother, then his or her brothers and sisters, and children of any deceased brother or sister.
6. If no issue, and no father, mother, brother, nor sister, then next of kin.
7. If a widow and no kindred, then the widow.*

Except as provided by 7, the widow has *no title* to a lot; and, unless the heirs-at-law convey it to her, she cannot order interments.

Widow no title or right to lot.

If a proprietor in his will makes no devise of the lot, it becomes a part of the residuary estate; or if not devised, and no bequest of residue, it descends to heirs-at-law.

Provisions of will.

* See note next page.

Representative to be designated.

Chap. 28, Sect. 3, General Statutes, and Sect. 8 of Charter, provide, "If there be more than one devisee or heir-at-law, the Board of Trustees may designate which one shall represent the lot."

Representative no control over title.

This designation *does not affect the title.* They (the heirs or devisees) are tenants-in-common; no sale can be made unless all sign conveyance.

Petition for representative. Importance of prompt return.

It is IMPORTANT that the petition for representation (furnished by the secretary) should be PROMPTLY returned with the names and residences of the heirs, and signed by a *majority:* otherwise delays may occur at the cemetery in ascertaining whether the order for interment is properly signed.

Lots indivisible. No record of part ownership.

Lots are *indivisible*, and "no record of any person's interest in a lot, less than the entire ownership, shall be made on the books of the corporation." (Rules and Regulations, Art. vii.)

J. HARRIS REED,
*Secretary.*

JANUARY, 1882.

1874. A bill relating to rights of widows in cemetery lots, favorably reported, did not become a law.

NOTE. — At the session of the Legislature in 1874, the Senate Committee on Probate and Chancery, to whom was referred the bill relating to rights of widows in cemetery lots, reported that the bill ought to pass. The bill was as follows: Chap. 28, Sect. 3, of the General Statutes, is hereby amended by inserting after the word "privilege" the words "and if he shall leave a widow, she shall, for the purposes of this act, be construed one of the heirs-at-law, or one of the devisees of said lot, as the case may be." The bill did not become a law.

# PRICES FOR THE CARE OF LOTS,

ADOPTED BY THE TRUSTEES

FOR 1882.

| SIZE OF LOT. | CARE. | TOP-DRESSING. | |
|---|---|---|---|
| 100 square feet. | $1.50 | $1.00 | Larger lots at special rates. |
| 200 " " | 2.00 | 1.50 | |
| 300 " " | 3.00 | 2.00 | Lots containing fractional parts of 100 feet will be charged the rate of the nearest 100 feet. |
| 400 " " | 4.00 | 2.50 | |
| 500 " " | 5.00 | 3.00 | |
| 600 " " | 6.00 | 3.50 | |
| 700 " " | 7.00 | 4.00 | |
| 800 " " | 8.00 | 4.50 | |

Proprietors will find blank order below, which they can fill and mail to Superintendent, Cambridge. ☞ *Erase what is not wanted.*

*Estimates for grading and sodding and repairs on Lots, including cleaning Monuments and Headstones, will be furnished to proprietors on application, personally or by letter, at either Boston office or Superintendent's office, Cambridge. Iron Fences removed without expense to proprietors, who will be credited with any excess over cost of removal.*

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*To the Superintendent of Mount Auburn Cemetery,*

*Cambridge, Mass.*

*Please take care of my lot, No.*.....*, this year,*

*and put in*.....*plants, and top-dress,*

*Sending bill to*

.....

*Address,*.....

.....1882.